



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 11 2008

REPLY TO THE ATTENTION OF:

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Eric J. Schnackel  
FPT-Cleveland LLC  
8550 Aetna Road  
Cleveland, Ohio 44105

Dear Mr. Schnackel:

This is to advise you that the U.S. Environmental Protection Agency has determined that FPT-Cleveland LLC's facility at 8550 Aetna Road, Cleveland, Ohio (FPT or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons involved in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance are required to:

- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through a signed statement by or contract with the person from whom the appliance was obtained, that the refrigerant has been recovered from the appliance or shipment of appliances previously.
- 3) In addition, the signed statements or contracts obtained must be maintained on-site by the entities that dispose of appliances for a minimum of three years.

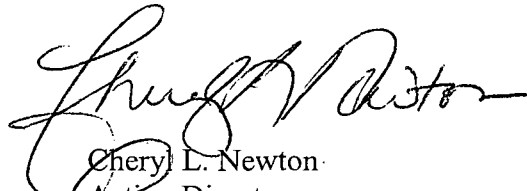
EPA finds that the FPT facility has violated the above listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this

notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Jamie Iatropulos. You may call her at (312) 886-6024 if you wish to request a conference. EPA hopes that this FOV will encourage FPT's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton  
Acting Director  
Air and Radiation Division

Enclosure:

cc: Richard L. Nemeth, Commissioner  
Cleveland Department of Public Health  
Division of Air Quality

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

**United States Environmental Protection Agency  
Region 5**

IN THE MATTER OF:	)	
FPT-Cleveland LLC	)	FINDING OF VIOLATION
Cleveland, Ohio	)	
Proceedings Pursuant to	)	EPA-5-08-OH-29
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**FINDING OF VIOLATION**

FPT-Cleveland LLC (you or FPT) owns and operates a scrap recycling facility at 8550 Aetna Road, Cleveland, Ohio (the facility).

The U.S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F and the Clean Air Act (CAA).

**Explanation of Violations**

1. FPT, as a disposer of appliances, is subject to the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of certain refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioner, motor vehicle air conditioner (MVAC), or MVAC-like appliance:
  - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
  - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliances or

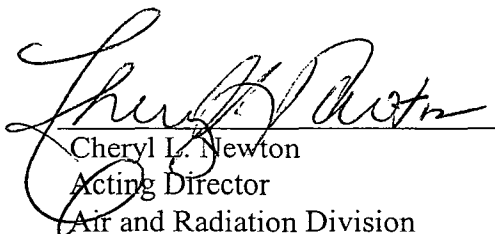
shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered, or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements or contracts obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's April 8, 2008, inspection, FPT stated that it receives at least one refrigerant-containing appliance or MVAC per day.
3. During the inspection, FPT stated that it does not recover refrigerant from appliances or MVACs that are brought to the facility.
4. After reviewing FPT's response to an information request EPA issued pursuant to Section 114 of the CAA, EPA determined that FPT did not consistently require verification statements and/or contracts attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliances and MVACs to FPT in lieu of FPT recovering the refrigerant from the appliance or automobile once on-site.

### **Environmental Impact of Violations**

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

8/11/08  
Date

  
Cheryl L. Newton  
Acting Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Tracy Jamison, certify that I sent a Finding of Violation, No. EPA-5-08-OH-29, by Certified Mail, Return Receipt Requested, to:

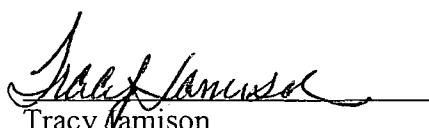
Mr. Eric J. Schnackel  
FPT-Cleveland LLC.  
8550 Aetna Road  
Cleveland, Ohio 44105

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Richard L. Nemeth, Commissioner  
Cleveland Department of Public Health  
Division of Air Quality  
Penton Media Building, 4th Floor  
1300 East 9th Street  
Cleveland, Ohio 44114

on the 12 day of August, 2008.

  
Tracy Jamison  
Office Automation Clerk  
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8919 3390